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SIPDIS

SENSITIVE

DEPT PLEASE PASS TO JUSTICE, HOMELAND SECURITY, DEPT OF LABOR, DEPT OF TREASURY AND USAID

PARIS PLEASE PASS TO AFRICA WATCHER

FROM BRAZZAVILLE EMBASSY OFFICE

DEPT FOR G/TIP, AF/C - C. BARGERON, AF/RSA, INL, DRL, PRM, IWI

E.O.12958: N/A

TAGS: KCRM PHUM KWMN SMIG KFRD ASEC PREF ELAB CF

SUBJECT: CONGO/B: UPDATED 2005 TRAFFICKING IN PERSONS REPORT

Ref: A) 2004 State 273089 B) 2004 Kinshasa 1615 C)
Zuehlke 1/25/05 email

¶1. Embassy Brazzaville submits the following updated Trafficking in Persons (TIP) report. Responses are keyed to the questions in Ref A and C with very little change from Ref B.

Republic of Congo (Congo/B)
Overview of activities to eliminate trafficking in persons:

¶A. Congo/B is not believed to be an origination country. There are unconfirmed reports that it could be a destination country for minor children of West African immigrants. There is no evidence that the government is complicit or intentionally allowing TIP. There is evidence, however, that West African residents, mostly from Togo and Benin, do bring "minors" who they claim and show documentation for as family relatives. At the present time, there are no statistics or evidence that these minors are trafficked. However, a local NGO is investigating the issue and is preparing a survey to examine the status of these minor children. The survey is scheduled to be finished sometime in 2005. There is also no evidence of trafficking in men or women (Ref B).

¶B. As stated in point A, there is no evidence or proof men or women are trafficked but there are unconfirmed reports that "minor relatives" of West African immigrants may be the victims of trafficking. More investigation needs to be done to determine the status of "minor relatives" documented from Benin and Togo. A survey on this issue is being conducted by a local NGO.

¶C. No, there has not been any change of direction in the past two months since the investigative efforts by the Mission in August 2004 (Ref B) and subsequent updated information since then from NGOs.

¶D. A local NGO, Association Panafricain Thomas Sankara (APTS) is undertaking a survey on this issue. There was no survey conducted last year. Since Congo-Brazzaville is a post-conflict country coming out of six years of civil conflict where the infrastructure was destroyed, there are no government archives, statistics or reports on this issue.

¶E. We will need to see the results of APTS's survey to determine the status of the "minor relatives" documented here from Benin and Togo. Several NGOs, such as Observeatoire Congolese des Droits de l'Homme (OCDH), Aide l'Enfance, and APTS reported that Beninese and Togolese documented children between 14-16 years old work in the markets in Brazzaville and Pointe Noire. They reportedly are here as "family members" of resident Beninese and Togolese immigrants.

¶F. Congo/B is not a country of origin. There has never been any evidence, even anecdotal, of Congo/B being a country of origin. As noted in the Human Rights Report, there are isolated cases of child prostitution connected to DRC street children, but no evidence that this is linked to forced or organized prostitution, or forced child soldiers either to or within ROC. According to international and local NGOs, there are street children from the Democratic Republic of Congo (DRC) who reportedly are active in isolated cases of prostitution for economic means to buy food or other items, but the DRC street children are not trafficked to or within the ROC. There is no evidence that any of

these street children are from ROC.

IG. Despite its post-conflict status, the government is making a good effort to follow this issue. The Ministry of Foreign Affairs has engaged the Ministry of Security to ensure that they view documentation with this in mind. In addition, the Ministries of Social Affairs and of Labor are devoting resources and attention to this issue. In 2003 the Ministry of Social Affairs participated with APTS in workshops and seminars on trafficking in children. In November 2004 the Ministry of Labor along with the Office for Reinsertion of Ex-Combatants, launched a program to assist with training and socialization of child soldiers from the 1997-early 2002 conflicts using USG funds provided by the International Labor Organization (ILO). In addition, the Commission on Ex-combatants along with an NGO implementing partner has trained 350 ex-combatants in vocational trades. Overall, the government's stated policy is it supports anti-trafficking and other anti-crime measures as it can, given its limited resources as a post-conflict country.

IH. There is no evidence that, as a matter of government policy, trafficking is condoned or facilitated.

II. Congo/B is a post-conflict country in the process of rebuilding, and resources for most governmental activities, such as the police and the judicial system, are insufficient to address general needs. No resources are reserved specifically to combat trafficking in persons. However, key government Ministries, when provided with resources, have been responsive in flagging the importance of this issue. In 2004, Congo/B made an effort to improve immigration and border controls, but overall border control outside the main cities of Brazzaville and Pointe Noire remains inadequate. Overall corruption remains a problem, but the government inaugurated an anti-corruption office in 2004 in order to address this issue, and has held several anti-corruption workshops in partnership with donors, including the USG. The government lacks resources to aid victims, but some NGOs, such as APTS and the Center to Combat the Violence Against Women and Children (CCVAWC), provide limited assistance as part of a wider mission.

IJ. The Ministries of Security, Social Affairs, and Labor as well as the Chief of the Gendarmes are responsible for monitoring these issues, but they lack the resources to devote exclusively to anti-trafficking. The local NGO community will be the best venues to collect statistics. The pending survey by APTS should help address some of these issues.

IK. All prostitution and related activities are illegal throughout Congo/B. The issue is enforced as part of the country's overall standard anti-crime campaign.

PREVENTION

IA. Government recognizes the importance of the issue, and at least three Ministries - Security, Labor and Social Affairs - are responsible for following trafficking issues, as is the Gendarmerie.

IB. The Ministries of Security, Social Affairs, Labor, as well as the Gendarmerie are responsible for following trafficking issues.

IC. To date there has not been any government run information campaigns, primarily as a result of lack of resources and that trafficking has not been identified yet as a problem in ROC. The survey being conducted by APTS - if it demonstrates that the West African "minor relatives" are subjected to trafficking - will encourage more organization by the government on this issue as well as a recommendation by APTS for an anti-trafficking law.

ID. Yes, the Ministry of Social Affairs as a matter of policy supports efforts by NGOs to address this issue, but given that Congo/B is a post-conflict country, there are no direct government resources that can be provided to the NGOs.

IE. No, due to lack of resources. However, government policy supports efforts by NGOs.

IF. There is a good relationship among the government, NGOs, and others focused on this issue.

IG. Outside of the major cities of Brazzaville and Pointe Noire, the government does not adequately monitor its borders. The Chief of the Gendarmerie stated that the government wants to improve in this

area, but given the country's post-conflict status there are not enough available resources for specific, ongoing monitoring of trafficking or verification of documentation.

IH. The government does not have a specific anti-trafficking task force. The Ministry of Plan is tasked with coordinating efforts involving multiple government Ministries. The Anti-Corruption Office, which reports to the Office of the Presidency, coordinates government-wide anti-corruption efforts.

II. The government is working with ILO on child soldiers issues, mostly as regards to reintegrating former child soldiers involved in the 1997 - 2001 civil conflicts. In addition, there are programs with UNICEF focused on street children who come over to Congo/B voluntarily from the Democratic Republic of Congo (DRC) on the daily ferry. The street children from DRC are not trafficked to ROC - they seek refuge in Congo/B from the pressures of life in DRC.

IJ. The government has no national action plan to combat trafficking in persons. However, the Ministry of Social Affairs, Labor and Security are responsible for this issue and would coordinate efforts in this area.

IK. The Ministries of Social Affairs, Labor, Security and Gendarmerie follow this issue, but there is no mandate to develop an action plan. However, if the government was presented with evidence of the issue, they would likely support suggestions to develop a plan.

INVESTIGATION AND PROSECUTION OF TRAFFICKERS

IA. There is no law specifically prohibiting trafficking as a separate criminal offense. However, activities associated with trafficking can be prosecuted under existing criminal code provisions on rape, illegal entry, forced labor, child abuse, defilement, extortion and fraud. There are specific laws against slavery and prostitution. As a post conflict country, ROC has no statistics on this or any other issue. However, the laws indicated above, according to one NGO, APTS, do not cover the full scope of trafficking. When APTS submits its survey and report to the government, one recommendation will be for the government to promulgate laws specifically to criminalize trafficking. At present, the laws cited above would cover many of the offenses under trafficking, but not all.

IB. As indicated above, trafficking is not a separate criminal offense.

IC. The penalty for rape is long-term imprisonment. As noted earlier, trafficking is not a separate criminal offense, but there are laws for rape and forcible sexual assault under which perpetrators can be prosecuted.

ID. The government has never prosecuted a case against traffickers since this is no specific trafficking law, and to date on one here has been accused of trafficking. No statistics are available on trafficking or any other crimes because archives were destroyed (mostly burned) during the war. Also, as stated earlier, trafficking is not a distinct offense in the current criminal code. As a post conflict country, Congo continues to lack human and financial resources to rebuild archives from scratch.

IE. There is no evidence of involvement of Congo/B government officials. It is also not believed that trafficking profits, if any, are being channeled to the Republic of Congo. As stated in the overview, there is evidence that documented minor children 14-16 are brought to Congo by "relatives" mostly from Benin and Togo, but also from Mali and Senegal. As stated earlier, APTS is conducting a survey to determine better information on the documented "minor relatives."

IF. The government does not specifically investigate trafficking cases, due to the lack of a specific anti-trafficking law. To the extent that resources are available, it could investigate other crimes associated with trafficking, for which criminal laws exist, as described in paragraph A (Investigation and Prosecution) above if a person were to be found trafficking.

IG. No special training in trafficking issues is provided by the government to its officials. However, the government would be open to such training.

IH. No, the government does not currently have a cooperative agreement with other governments on

investigations and prosecutions of trafficking. However, there is a cooperative relationship between the DRC and Congo/B Labor Ministries on former child soldiers from the 1997-early 2002 period as part of USG funds to ILO to address this issue. In addition, as a member of two Central African Regional bodies - CEEAC and CEMAC - there is a focus on protection of citizens including women and children. Under CEMAC there is a specific overall extradition agreement being drafted.

I. As far as Post can determine there is no record of any extradition of anyone charged with trafficking since to date there is no evidence or record of trafficking, or any pending extradition request on the issue. Laws exist that could be used to extradite traffickers. Congo/B and other members of CEMAC, the Association of Central African States, recently worked on extradition treaties among member states. Therefore any CEMAC national (Gabon, Chad, CAR, Equatorial Guinea, ROC and Cameroon) arrested on trafficking-in-persons charges could be extradited under these new agreements once they are in force. As stated in point A, there are other laws under which the traffickers can be prosecuted.

J. No evidence exists of government involvement in or tolerance of trafficking on a local or institutional level.

K. Government officials are not known to be involved in trafficking.

L. Congo/B does not have a child-sex tourism problem.

M. The Republic of Congo signed Convention 182 on 23 August 2002; Convention 29 on 10 November 1960; Convention 105 on 26 November 1999. Congo/B acceded to the optional protocol to the Convention of the rights of the child on the sale of children, child prostitution and child pornography on 14 October 1993, but has not yet ratified it. Also Congo/B signed the protocol to prevent, suppress and punish trafficking in persons supplementing the UN Convention against transnational organized crime on 14 December 2000, but has not yet ratified. In 2004 they acceded to the UN Convention against Inhuman Treatment and the ICC.

PROTECTION AND ASSISTANCE TO VICTIMS:

A. The government does not provide social assistance to trafficking victims since there have not been any confirmed cases of trafficking to date. For other abuses such as rape, etc., the Ministry of Women's Affairs provides assistance to victims of rape such as counseling and seeking assistance from NGOs. As stated earlier, there are unconfirmed and anecdotal reports of "minor relatives" of West African immigrants who may be victims, but more investigation needs to be done. One local NGO is conducting a survey on the status of these children to ensure their well being. The report is expected sometime in 2005. Some NGOs, such as the CCVAWC, provide assistance as part of a larger mission. The country has no care or health facilities specifically for trafficking or any other victims of any other crime. CCVAWC offers HIV/AIDS testing.

B. No. Victims of trafficking or any other crime if found in the country, receive no special government help, except through NGOs such as the CCVAWC.

C. CCVAWC is contacted by or law enforcement officials when abuse or rape cases are presented to them. These abuse cases to date have not been related to trafficking. They are connected mostly to spousal abuse.

D. For abuse cases noted in C above, victims generally are not treated as criminals. NGOs such as APTS, CCVAWC, and International Rescue Committee (IRC), work to ensure the rights of these victims' are protected. The authorities will contact NGOs that provide shelters for abuse victims. NGOs state that there is good cooperation in this regard.

E. The government does not actively encourage victims to participate in investigations or prosecution because trafficking cases have not yet presented themselves as an issue here. In addition, as stated above, there is no law specifically against trafficking. If victims of trafficking were present, they could file civil suits if they have the resources to do so. They also could file criminal complaints under other provisions of Congolese law. There is no victims restitution program for any crime. There is no information whether victims of trafficking or any other crime are able to obtain other employment or leave the country since there is no

factual evidence to date that trafficking is an issue.

IF. Given the post-conflict status and lack of resources, the Congo/B government is not able to provide assistance to abuse victims or fund shelters. However, NGOs such as CCVAWC does assist abused women and their children and provide training.

IG. The government does not have the resources to provide training, but would be open to such training.

IH. As far as Post can determine the government has no plans to address the needs (medical, financial, shelter) of victims because trafficking has not presented itself here as a problem. The survey by APTS should assist in this area. There have not been reports, factual or anecdotal, which indicated that a ROC national has ever been the victim of trafficking or repatriated for such.

II. Several local NGOs, APTS, OCDH and CCVAWC, have, as part of their larger mission, a focus on trafficking. APTS is conducting the first Congolese study of trafficking in persons, and CCVAWC tries to provide HIV/AIDS testing, psychological assistance, and provide training in income-generating activities for abused women (mostly spousal abuse) and children. However, thus far, there is no evidence that the abused women or children are connected with trafficking. In order to maintain its independence as a Human Rights organization, APTS receives no assistance from the government, but the government does not impede or oppose its work, nor does it impede the work of CCVAWC or OCDH. CCVAWC works closely with law enforcement in the cases of abused women (spousal abuse) and children. The pending survey by APTS on trafficking will be presented to the government. The survey is expected to be completed in 2005.

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